

P. 8

THE  
CLAIMS  
OF THE  
PEOPLE  
OF  
ENGLAND.

*N. B.* Those Persons, who have not Leisure (in the present awful and important Crisis of public Affairs) to peruse this little Tract, may view the Substance of it, in an ABSTRACT, at the End of the Book.

- [*Graham Sharp*]
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- "The Work of RIGHTEOUSNESS" (which necessarily includes the duty of restoring to all men their RIGHTS and just Claims) "shall be PEACE; and, the Effect of RIGHTEOUSNESS, Quietness and Assurance for ever." — Isaiah xxxii. 17.
- "— For the Throne is established by RIGHTEOUSNESS. (Prov. xvi. 12.) But — "there is no PEACE, saith my God, to the WICKED." — Isaiah lvii. 21.
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МАЛО

СИРОП

на

АМЕРИКА

желает о) видеться с вами в Т. А. и  
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МОДОЛ

Без звука в пустыне

МОСКОВСКИЙ

# The CLAIMS of the People of ENGLAND.

**I**N the beginning of the present century,  
(anno 1701, 12 W. III.) a sensible  
and loyal Writer drew up a small Tract of  
political information, which he intitled —  
**"THE CLAIMS OF THE PEOPLE OF  
ENGLAND essayed in a Letter from the  
Country."** But, before the Tract was  
printed, the Author had the satisfaction to  
hear, that the *Claims*, he had asserted, were  
in many respects established by a new Act  
of the Parliament then sitting; which sea-  
sonable attention to the People's *Rights* he  
most gratefully acknowledged in a Post-  
script to his Letter.

The *Act of Settlement*, by virtue of which the present Royal Family succeeded to the Crown of these Realms, was the Statute, which then so happily (in the opinion of that Writer) "secured THE CLAIMS OF  
" THE PEOPLE OF ENGLAND."

It is intitled, "An Act for the farther  
Limitation of the Crown, and better se-  
curing the Rights and Liberties of the  
Subject;" — and accordingly contains

eight very excellent Articles of Limitation, agreeable to “*the Claims of the People of England;*” which, it seems, were enacted, “*with the unanimous Concurrence of both Houses of Parliament,*” for the express purpose of “*securing our Religion, Laws, and Liberties.*”

One of these Articles ordained—“That”—“*all matters and things relating to the well governing of this Kingdom, which are properly cognizable in the Privy Council by the Laws and Customs of this Realm, shall be transacted there, and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.*”||

And by another of these Articles it was ordained — “*That no person, who has an Office, or Place of profit, under the King, or receives a Pension from the Crown, shall be capable of serving as a Member of the House of Commons.*”\*

But,

|| This excellent provision would effectually prevent any secret Council, or Faction, from becoming efficient without Responsibility.

\* It might perhaps have been objected at that time, as well as at present, that such a total exclusion of Place-men would withdraw from Parliament the Council and Assistance of many worthy Men in Office, (or that ought to be in Office,) whose parliamentary Abilities are the most distinguished

But, as the Parliament was at that time invested with the dangerous unconstitutional power of a *triennial* duration without *Re-election*, it was impossible that the *Elected* (who thereby acquired a temporary independency of the *Electors*, and, of course, too many of them, a *separate interest* of their own) could long continue *real* Representatives of the *People's Claims*; and, consequently, these two most excellent provisions against *undue influence* were unhappily repealed, a very

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distinguished and eminent in the Kingdom. Yet there is an obvious answer to this objection, viz. That it is very easy for a free Parliament (if in their wisdom they shall think it proper) to permit the *great Officers of State*, or even *their Secretaries or first Clerks* to have seats in Parliament, and, as *Members*, not only to declare their opinions, but also, for the better information of the House, even to *debate* and *reply* upon all questions relating to public affairs; which might be allowed without any dangerous effect, provided they are duly restrained from the single privilege of *VOTING*. The Nation by this means may have ample benefit in the exercise of their great and shining abilities, without risque of *undue influence*, which cannot justly be attributed to mere *argument*, as that has no other weight or effect than what is fairly due to its merit; and any unreasonable length of *speech*, whenever it is used with an apparent intention to procrastinate and obstruct the intention of the Majority, may be duly restrained at the pleasure of the House. But otherwise, (i. e. without some due restriction, and, more especially, without an absolute exclusion from the power of voting,) a *TREASURY-BENCH*, or any other *BENCH OF PLACEMENT*, in the House of Commons, is a manifest *ABOMINATION*, utterly repugnant to all just Ideas of a *free uninfluenced Parliament*, and consequently is highly derogatory to the honour of that House!

few years afterwards, in the 4th year of Queen Anne (c. 8.) Which amply proves, that the most salutary provisions for “*the Claims of the people*” cannot be securely established under *triennial* or *septennial* Parliaments; and, of course, that the antient usage of *annual* ELECTIONS is a *Claim*, of all others the most essentially necessary for our welfare.

Since the fatal repeal above mentioned, the prevalence of *undue influence* hath so rapidly and enormously increased, that the ever-loyal Citizens of London thought it their duty, in the year 1770, to bear testimony against it; and accordingly they asserted, in a public declaration to the King himself, that “*the*” (then) “*House of Commons did NOT represent the people.*” †

Subsequent Facts have demonstrated the absolute necessity we are now under to *claim* and promote an *unequivocal* abolition of all *undue Influence* in Parliament.

Measures, the most *unrighteous*, as well as the most *ruinous* that could have been devised,

† “ Representatives of the People are essential to the making of Laws, and there is a Time when it is morally demonstrable that Men cease to be Representatives. That Time is now arrived. THE PRESENT HOUSE OF COMMONS DO NOT REPRESENT THE PEOPLE.” —Address of the Mayor, Aldermen, &c. of the City of London, 1770.

vised, have been adopted and carried on under a pretended sanction of *parliamentary Authority*,<sup>§</sup> which have involved both King and People (whose true interests are inseparable) in the most alarming difficulties: and the ostensible Agents in the mischief have obstinately persevered to the utmost extension of *ability*, until public Disasters, and a happy preventive incapacity of their own, (their Heads and Funds being equally exhausted of council and resource,) have compelled them to make a temporary retreat; though the nu-

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<sup>§</sup> This must of course be understood to refer (if you please) only to former Parliaments that began the Mischief, whose pretended Sanction had more of the Name than the Reality of *parliamentary Authority*, if a real Representation of the Commons be at all essential to constitute a true legal Parliament.

The Representatives are chosen by a *very small Proportion* of the People, and even that *small Proportion* of People is so monstrously unequal in their *power of delegation*, that the small Number of 5723 Borough Voters elect 254 Representatives, which is very near *half* the Number of Representatives that are due to six Millions of People, and *more than half*, or a *Majority*, of the Numbers that are ever known to attend at any one Time. The INJUSTICE of such an enormous *Disproportion* in the Representation of the whole People cannot be paralleled by any other gross Absurdity, except THE INIQUITY of rendering that *disproportionate Representation* still more contemptible and nugatory by *SEPTENNIAL* or (what were nearly as pernicious) *TRIENNIAL*, instead of the ancient constitutional Usage of *SESSIONAL, ELECTIONS.*

merous Corps of Placemen, Pensioners, Contractors, &c. occasionally procured them a shameful Majority almost to the last!

Hence it is evident that the *Corruption of Parliament* is the real source of all our national calamities and grievances, which cannot therefore be relieved by a mere *change of Ministry.*

The *Minority* in Parliament hath once before, in the memory of most men, become the *Majority*; and the worthy Opposers of bad measures were indulged with a temporary administration of public Affairs, until the secret *efficient Cabinet* could recover from the surprise and dismay of their former defeat in Parliament, and, by a renewed exertion of their *undue influence*, were able to shackle the new Administration with the rueful alternative, either to abandon their newly-acquired dignities, or else to adopt such measures as must effectually deprive them of the people's confidence; after which they were contumuously compelled (one by one, or as it might best suit the purposes of the reigning system of *undue influence*) to yield up their places for the emolument of the more pliant creatures of the secret faction.

It

It would be madness for *Englishmen*, after such galling experience, to neglect their just and indispensable *Claim* to some immediate and effectual precaution against similar *delusions*. To trust another new Administration, without insisting at the same time on a constitutional *limitation of power*, by a *free uninfluenced Representation of the Commons*, may be dangerous to our very existence as an independent Kingdom!

The reduced circumstances of the Nation cannot admit the risque of another such credulous experiment!

It is therefore become absolutely necessary, for the security both of King and People, (which includes the *true interest* of all parties,) that the just “*Claims of the People*” be satisfied in an immediate Restoration of the antient *legal* and *responsible Government*, by a *Revival* of the two repealed Articles of the *Act of Settlement*, above recited, and by a *Revival* also of that most excellent Statute for **SESSIONAL PARLIAMENTS**, passed in the 4th of K. Ed. III. c. 14. declaring, “*that a Parliament*” (meaning a *newly-elected Parliament*, as the writs of those times incontestably demonstrate) “*shall be holden every year once, and more often if need be.*” But this indispensable

sible Right and Claim of the People (for the Act itself is no more than an authentic Declaration, or Acknowledgement, of an antient Right) cannot have complete effect without totally repealing an *Act* of the 8th year of K. Hen. VI. (cap. vii.) which, on *false pretences*, (whereby it is rendered unworthy the title and dignity of a Statute,) disfranchised at once by far the greatest part of the English Nation, by robbing them of their BIRTHRIGHT, † the inestimable Right of

¶ In the Act of Settlement, by virtue of which the present King sits on the Throne, it is declared, that "the Laws of England are the Birthright of the people thereof:" and, according to an antient Maxim of the Common Law, this our Birthright in the Laws is to be esteemed our most valuable inheritance, superior to every other Denomination of PROPERTY. "Major Hæreditas unicuique venit a jure et legibus quam a parentibus." Lord Coke says it — "is the best Birthright the subject hath; for thereby his Goods, Lands, Wife, Children, his Body, Life, Honour and Estimation, are protected from injury and wrong:" and then he cites the maxim — "Major Hæreditas, &c. 2 Inst. p. 56. An Act of Parliament, therefore, which sets up an inferior and mere pecuniary property as the object of representation, not only in preference, but to the total exclusion of that superior property, or personal Right, which ought to be esteemed the most valuable inheritance, or "BEST BIRTHRIGHT the subject hath," &c. is such a "malum in se," such an iniquitous contempt and infringement of Common Right, against Reason and Justice, and against the express declaration of a fundamental principle of the English Constitution, as cannot fail to render the Act "null and void

of voting for Representatives in Parliament, without which they cannot properly be esteemed *Freemen*, because the *Laws*, their **BIRTHRIGHT** and *most valuable Property*, may be *changed, suspended, or entirely withdrawn from them*, without their consent; whereas, in antient times, they enjoyed not only the privilege of voting, in *plen Countie*, (*i.e.* the full County-court or Parliament of each County,) for the Knights of the Shire, but frequently also for the Citzens

"*void in itself*," if the People will but unite in maintaining this just and legal plea against it; for which they have ample authority. See Doctor and Student, c. 10. wherein it is declared, that "*Statutes cannot exist against REASON or the LAW DIVINE*,"— "*nec contra RATIONEM, nec contra LEGEM diuinam existunt*:" for the execrable *iniquity* abovementioned is surely *against both*; and therefore as "*these two Laws*" (the Law of *Reason* and the "*Law of God*") "*cannot abate or turn aside*,"— "*Hæ duæ Leges declinari non possunt*," (ib. c. 17.) it is manifest that the unjust Act is utterly unworthy to be named a *Statute*, and must needs be *void*,\* as it cannot otherwise be esteemed than a mere *corruption*, (or *corruptela*,) according to the express direction of the same approved Author in his 2d ch.— viz. — "*Against this Law*," (*i. e.* the *Law of Reason*), "*prescription, STATUTE, nor custom, may not prevail; and, if any be brought in against it, they be not prescriptions, STATUTES, nor Customs, but CORRUPTIONS, (CORRUPTELÆ,) things VOID and against Justice.*"— Doct. et Stud. Eng. ed. 1668, p. 5.

\* "Plowden has reported a variety of cases, wherein Acts of Parliament were esteemed *void in Law* through the want of *truth* in the *recitals*. See pages 398 to 400." (Sharp's Declaration, p. 237.) Which legal *disqualification* is obvious in the preamble to the Act in question.

zens and Burgesses, elected in their respective Counties; whereby the *Equality of Representation* was then preserved; and may again be happily restored by some such equitable mode of transferring the representation of *depopulated* or notoriously venal Boroughs to the Decision of their respective *County-courts*. Which method of *equalising Representation* deserves preference to all others, because it is not liable to the odious charge of *innovation*, but, on the contrary, is authenticated by *long-continued usage and legal Precedents of ancient times*: and the same may be said of all the other changes already recommended in this Address.

By these approved and tried means, the just *claims of the people* may be amply, as well as *easily*, established; and the happy effects of such a perfect Reformation would be *security and support* to any *virtuous Administration*: for it would prevent their just measures from being *impeded* and *clogged* by the secret machinations of any private *Cabal*, or *Cabinet Faction*, that might otherwise be *efficient* without *Responsibility*; and it would also exclude the interested opposition of needy unprincipled persons, who at present can *introduce themselves* into *P--l--m--t* (if they can but find credit for the

the purchase-money) merely for the purposes of *private interest*! a *Trade* as *dishonourable* to themselves as it is *baneful* to the Nation; for the *Representation* of many *Boroughs* is now commonly esteemed a mere pecuniary property, and, as such, has in many instances been either notoriously *bought and sold*; or else is holden at the absolute disposal of *single Individuals*, (Peers and other overgrown *Landholders*,) for the dangerous purpose of enhancing their *own personal consequence*! An "*undue Influence*" this (in whatsoever hands it is lodged) that is most detestably *disgraceful to the Nation* as well as fundamentally *derogatory to the validity of every legislative Resolution*! and, what is still more alarming, will completely *ruin the Kingdom*, if the constitutional Remedies here proposed are not speedily adopted.

*London, March 23, 1782.*

A LOYAL  
ENGLISHMAN.

An ABSTRACT of the *Claims*,  
 &c. and of the constitutional  
 Means of redressing public Griev-  
 ances, without *Innovation*. P. 12.

**CLAIM I.**

**T**HAT neither the *Privy Council*, nor  
 any secret Cabinet for State Affairs,  
 ought to be efficient without responsibility.  
 P. 4. n. and p. 12.

**REMEDY.** Revive a repealed clause of  
 the Act of Settlement, “ *That all matters*  
*cognizable in the PRIVY COUNCIL shall be*  
*transacted there, &c.* P. 4 & 9.

**CLAIM II.** That *all undue influence of*  
*the Crown* ought to be totally excluded from  
 Parliament, p. 6. and that a “ *Treasury-bench*, ”  
 or any other *Bench of Placemen*, in the  
 House of Commons, (unless duly restrained  
 from the privilege of *voting*,) is an  
**ABOMINATION!** utterly repugnant to all  
 just ideas of a *free uninfluenced Parliament*!  
 P. 5. n.

**REMEDY.** Revive a repealed Clause of  
 the Act of Settlement: “ *That no person,*  
 “ *who*

" who has an office or place of profit under the  
" King, &c. shall be capable of serving as  
" Members of the House of Commons." P. 4.

*N.B.* The ordinary objection to this clause  
may be obviated, by permitting the great  
Officers of State, their Secretaries, &c. to  
sit, debate, and inform the House, but with-  
out privilege of voting. P. 4 & 5. n.

**CLAIM III.** That "the Laws of England  
" are the BIRTHRIGHT of the People there-  
" of" (p. 10, n.); yet the greater part of  
the People are robbed of that Birthright  
by an unconstitutional exclusion from any  
share in the Legislature; so that the *Laws*  
(the most valuable Property to EVERY MAN  
— "UNICUIQUE VENIT," &c. p. 10.)  
may be changed, suspended, or repealed,  
without their assent. P. 11.

**REMEDY.** Repeal the Act of 8 Hen.  
VI. c. 7. whereby the People in general  
were robbed of that BIRTHRIGHT. P. 10.

**CLAIM IV.** That the *Representation of  
the People* ought to be rendered *more equal*.

**REMEDY.** Refer the enormous disprop-  
ortion of *delegating* power, now enjoyed  
by *venal Boroughs*, (p. 7. n.) to the deci-  
sion of the *County-Courts*, according to an-  
tient Precedents. (P. 12.)

**CLAIM**

**CLAIM V.** Experience has demonstrated, that neither the most salutary provisions for our just Claims can long subsist, (p. 6.) nor any Changes of Ministry, (p. 8.) be effectual to restore them, under triennial and septennial Parliaments, p. 5. so that the ancient usage of renewing the Representation BY A GENERAL ELECTION EVERY SESSION is the most essential Claim of all others for the welfare of the Kingdom. P. 6.

**REMEDY.** Revive the Statute for SESSIONAL PARLIAMENTS, 4 Ed. III. c. 14. (See p. 9.)

The certain Effect of these *constitutional Remedies* will be Security and Support to a virtuous Administration. P. 12.



**THE END.**

(P. 12)

CROWN

